

FILED

SCOTT N. SCHOOLS (SCSBN 9990)  
United States Attorney

E-FILING

2007 OCT 24 A 11:13

RICHARD W. WIEKING  
CLERK  
U.S. DISTRICT COURT  
NO. DIST. OF CA. S.J.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOSE MANUEL RODRIGUEZ-RIVERA,

Defendant.

No.

07 00672

VIOLATION: 8 U.S.C. § 1326 -  
Illegal Re-entry Following Deportation

SAN JOSE VENUE

INFORMATION

The United States Attorney charges:

On or about May 29, 2005, the defendant,

JOSE MANUEL RODRIGUEZ-RIVERA,

an alien, previously having been arrested and deported from the United States on or about July 2, 2002, February 23, 1979, October 26, 1977, October 15, 1976, May 28, 1976 and June 30, 1975, was found in the Northern District of California, the Attorney General of the United States and the Secretary for Homeland Security not having expressly consented to a reapplication by the defendant for admission into the United States, in

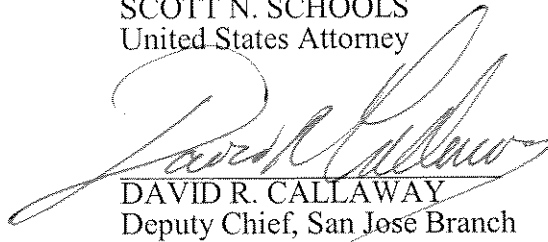
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INFORMATION

1 violation of Title 8, United States Code, § 1326.

2  
3 DATED: 10/23/2007

4 SCOTT N. SCHOOLS  
United States Attorney

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7 DAVID R. CALLAWAY  
Deputy Chief, San José Branch

8  
9 Approved as to form: Benjamin Kennedy  
10 SAUSA Benjamin Kennedy

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AO 257 (Rev. 6/78)

## DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT

BY: ☐ COMPLAINT ☒ INFORMATION ☐ INDICTMENT  
☐ SUPERSEDINGName of District Court, and/or Judge/Magistrate Location  
NORTHERN DISTRICT OF CALIFORNIA

## OFFENSE CHARGED

Title 8, U.S.C. § 1326 - Illegal  
Re-Entry Following Deportation☐ Petty  
☐ Minor  
☐ Misdemeanor  
☒ Felony

## PENALTY:

20 years imprisonment  
\$250,000 fine  
3 years supervised release  
\$100 special assessment fee

## PROCEEDING

Name of Complainant Agency, or Person (&amp; Title, if any)

ICE

☐ person is awaiting trial in another Federal or State  
Court, give name of court☐ this person/proceeding is transferred from another  
district per (circle one) FRCrP 20, 21 or 40. Show  
District☐ this is a reprosecution of  
charges previously dismissed  
which were dismissed on  
motion of:☐ U.S. Att'y ☐ Defense☐ this prosecution relates to a  
pending case involving this same  
defendant☐ prior proceedings or appearance(s)  
before U.S. Magistrate regarding  
this defendant were recorded underSHOW  
DOCKET NO.MAGISTRATE  
CASE NO.Name and Office of Person  
Furnishing Information on  
THIS FORM

SCOTT N. SCHOOLS

☒ U.S. Att'y ☐ Other U.S. AgencyName of Asst. U.S. Att'y  
(if assigned)

BENJAMIN KENNEDY

DEFENDANT - U.S.

RICHARD W. WIEKING

JOSE MANUEL RODRIGUEZ-RIVERA

U.S. DISTRICT COURT

NO. DIST. OF CALIF.

DISTRICT COURT NUMBER

CR 07 00672 JW  
RS

## DEFENDANT

## IS NOT IN CUSTODY

- 1) ☐ Has not been arrested, pending outcome this proceeding.  
If not detained give date any prior summons  
was served on above charges
- 2) ☐ Is a Fugitive
- 3) ☐ Is on Bail or Release from (show District)

## IS IN CUSTODY

- 4) ☒ On this charge
- 5) ☐ On another conviction
- 6) ☐ Awaiting trial on other charges

☐ Fed'l ☐ State

If answer to (6) is "Yes", show name of institution

Has detainer  
been filed? ☐ Yes ☐ NoIf "Yes"  
give date  
filedDATE OF  
ARREST

Month/Day/Year

Or... if Arresting Agency &amp; Warrant were not

DATE TRANSFERRED  
TO U.S. CUSTODY

Month/Day/Year

☐ This report amends AO 257 previously submitted

## ADDITIONAL INFORMATION OR COMMENTS

## PROCESS:

☐ SUMMONS ☒ NO PROCESS\*☐ WARRANT

Bail Amount: \_\_\_\_\_

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

Defendant Address: \_\_\_\_\_

\*Where defendant previously apprehended on complaint, no new summons  
or warrant needed, since Magistrate has scheduled arraignment

Date/Time: \_\_\_\_\_

Before Judge: \_\_\_\_\_

Comments: \_\_\_\_\_